



**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Isiah Leggett**  
County Executive

**Uma Ahluwalia**  
Director

**COMMISSION ON JUVENILE JUSTICE**

**Meeting Minutes**

**June 21, 2016**

**CITIZEN MEMBERS PRESENT:** Maria Blaeuer, Carole Brown, Bonnie DeWitt, Chris Fogleman (Vice-Chair), Karen Frances, Mike Gruenberg, Stacey Gurian-Sherman, Barbara Holtz, Mehul Madia, Perry Paylor, Erynn Penn, Roberta Pieczenik, Wendy Pulliam, and Carlean Ponder (Chair) and Tisha Wiley.

**AGENCY MEMBERS PRESENT:** Francha Davis, Frank Duncan, Susan Farag, Captain James Humphries, Risa Mainprize,

**ABSENT MEMBERS:** Shezhad Akhtar, Jessica Markham, Mary Siegfried, George Simms (Amy Bills), Michael Subin. Ira Thomas, Elijah Wheeler and Jessa Wilcox.

**STAFF LIAISON PRESENT:** Diane Lininger

**EMERITUS MEMBERS:** Lee Haller

**GUESTS:** Karyn Gross, Delegate David Moon, Nick Moroney, Marji Josh, Ryan Metzger, Antonia Reason, Deborah St. Jean and Betsey Tolentino.

**I. Called to Order at 7:10 pm**

**II. Business:**

**a. Vote on Annual Work-plan**

- i. Accepted unanimously without comment or changes

**b. Old Business**

- i. May 2016 meeting minutes
- ii. Accepted unanimously without comment or changes

**c. Nomination and Vote for new executive Committee**

- i. Chair – Carleen Ponder
- ii. Vice Chair – Francha Davis
- iii. Secretary – Vacant
- iv. Co-Chairs of the Government and Community Relations Committee – Shehzad Akhtar and Chris Fogleman
- v. Co-Chairs of the Care, Custody and Placement Committee – Maria Blaeuer and Karen Francis
- d. Celebrate Mehul Madia, Barbara Holtz and Carole Brown who have all served two full terms and are leaving the commission

### **III. Panel**

#### **a. Introductions**

- i. Deborah St. Jean, Juvenile Protection Division
- ii. Nick Moroney, JJMU
- iii. Betsy Tolentino, Department of Juvenile Services
- iv. Delegate David Moon

#### **b. Discussion and questions**

#### **c. Questions (sent before the meeting):**

- i. Can you please speak about youth agencies position/actions regarding the strip searching and shackling of DJJ involved youth?
  - 1. Deborah St. Jean – National Council for family and juvenile courts, National Juvenile Defender center wants to get rid of shackling
    - a. Resolution – child must represent a danger or an a-wall risk that day (preponderance)
    - b. Youth are strip searched after any contact with the public
    - c. Alfred D. Noyse youth center does strip search
    - d. Must have a reason to strip search adults, but not for children
  - 2. Nick Moroney – default is not to be shackled
    - a. JJMU has a problem with shackling for transportation and strip searching
    - b. A wand and a pat down should be enough
    - c. Victor Cullen - Girls, Carter Center – Boys
      - i. Strip searching occurs
      - ii. Shackled during any transportation
    - d. There are some situations where shackling and strip searching are needed
  - 3. Betsy Tolentino
    - a. The goal is to keep everyone safe
    - b. 2015 – 23,000 complaints, 11,000 went to court, 4% out of home placements (2/3 in community based placements)
    - c. Detention – risk assessment tool, court reviews decision, risk of flight or danger to themselves or others
    - d. Policies based on national correction
    - e. Strip search policies are reviewed by the federal government

- f. Everyone is checked when they come in, must be private, two people in the room, same sex searches
    - g. Prison rape elimination act
    - h. Search after visitation, and when they are out of custody and control
    - i. ALL DJS facilities
    - j. JDAI – does not want strip searching
    - k. American Bar Association – must find a risk to strip search
  - 4. Delegate David Moon – task force bill to look at the 100% strip searching policy
    - a. EU – risk strip searches only
    - b. UK – 41,321 strip searches
      - i. 315 items of contraband
      - ii. 70 tobacco
      - iii. 14 drugs
      - iv. 10 phones
    - c. Technology should be used wherever possible to mitigate
    - d. Shackling can have negative mental effects
  - ii. What steps have your agency taken to eliminate shackling and strip searching, if any?
  - iii. What steps would you recommend that the Commission take to eliminate strip searching and shackling?
  - iv. Can you distinguish between the juveniles for which a strip search/shackling is absolutely necessary and those juveniles for which it is entirely unnecessary?
    - 1. Deborah St. Jean
      - a. 4,000-6,000 kids go through the system a year
      - b. Find out what the charge is and use a metric to decide whether strip search should be used
    - 2. Nick Moroney
      - a. Scenario – meeting with a lawyer who is searched before entering and then the juvenile is strip searched after
      - b. Scenario – home pass and fully shackled in DJS transportation if there is no one to pick the juvenile up from the facility
      - c. Cavity searches are done in the ER, if you believe there is contraband in a cavity
    - 3. Betsy Tolentino
      - a. Do not like to develop procedures where a lot of bias could happen
      - b. Narrowly tailored procedures, very objective
      - c. Scanners – if things are flush against your body, the scanner won't pick it up
    - 4. Delegate David Moon

- a. Distinction between the different kinds of contraband
- b. Risk based assessment, charges
- v. Have evaluations been conducted to determine whether juveniles suffered harm as a result of repeated strip searches?
- vi. Can you describe the frequency that weapons and contraband have been discovered during strip searches of juveniles who are detained after visits with family members or their lawyers compared to the number of strip searches that are conducted monthly or annually during these visits?
- vii. Can you describe any other means in which weapons or contraband enter a juvenile facility and in comparison describe what percentage of weapons or contraband are seized as a result of strip searches?
- viii. Are you aware of any other states that maintain security at juvenile facilities without the practice of juvenile strip searches?
- ix. In regards to the establishment of the upcoming task force on shackling and strip searching, do you have any information on any measure, policies, or practices (they will examine as a Task Force, which are currently under consideration?) Will the task force be looking at the above questions to determine their recommendations? Can CJJ Members (or former) become or volunteer on this Task Force?

**d. Additional Questions asked during the meeting**

**i. Strip Searching of the Staff**

- 1. Staff statistically brings in more contraband
- ii. **Can you give specific statistics on how many people were searched and the number of things that were found?**
- iii. **Why doesn't DJS have the statistics of what was found, where things were found, and which child?**
- iv. **Why is there not an incident report of what contraband was found?**
  - 1. JJMU can only see if contraband is deemed necessary for them to know about
- v. **Can you take the data and say anything about the child?**
  - 1. The data is not available yet
- vi. **When there is a kid at the wrong place at the wrong time and is sent to a facility, do they recover from that or are they scarred for life?**
  - 1. Some places have over policing
- vii. **Can you tell us about gender issues when it comes to strip searching (i.e. transgender, lesbians, asexual, intersexual, etc.)**
  - 1. Same gender searches are required, but it can be a complicated issue
- viii. **Tell us about the new equity project**
  - 1. DJS would like to come back a talk about it
  - 2. Disparities on race are getting larger

**IV. Meeting Adjourned**